

Amendment under 37 C.F.R. §1.111
Application No. 10/500,042
Attorney Docket No. 042449

REMARKS

Claims 1, 3, 5 and 14-15 have been amended herein. Support for the amendments is detailed below.

Applicants' Response to the Claim Rejections under 35 U.S.C. §101

Claims 14-15 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. In response to the rejection, applicants have amended claims 14 and 15 to recite a method of processing fluid. Support for this amendment is found at page 24, line 14 to page 26, line 25. Wherefore, applicants respectfully submit that the claims are no longer directed to non-statutory subject matter.

Applicants' Response to the Claim Rejections under 35 U.S.C. §112

Claims 1-15 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office has rejected claim 1 for including a portion of a limitation in parentheses on the basis that this makes the claim unclear. In response thereto, applicants have amended claim 1 by removing the parentheses and setting forth the phrase therein as a positive requirement.

Applicants' Response to the Claim Rejections under 35 U.S.C. §103(a)

Claims 1-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mortus 3747656. First, in response to the rejection applicants have amended claim 1 to incorporate the limitations of claim 3. In regard to claim 3, applicants respectfully traverse the rejection.

Specifically, applicants respectfully submit that there is no teaching or suggestion in Mortus which would lead the skilled artisan to provide an arrangement as set forth in the limitations of claim 3.

Mortus is a patent directed to a locknut design. The Office maintains that an arrangement of locknuts, such as for sale in a box, would meet the limitations of the claim. In rejection of claim 3, the Office maintains that “absent any unexpected result, the arrangement of the locknut in a box to form a particular shape so as to provide a more effective and space efficient positioning is deemed obvious.” See page 5, lines 4-6 of the Office Action. However, there is no teaching or suggestion set forth in the prior art that the arrangement would be preferred for any purpose.

However, the current application is clearly directed to an unexpected result; namely, the claimed arrangement functioning as a field converter. The unexpected results of the field converter are set forth in the specification in the embodiments and examples; specifically, page 15, line 14 to page 29, line 11.

Further, applicants submit the attached Declarations pursuant to 37 C.F.R. §1.132 in support of the results. In the first declaration, Mr. Masaharu Takao, Ph.D submits the technical paper entitled "Property of Water Processed by vG7 and Concentrations of Elements Contained in Processed Water" which he authored. The fluid processing device "vG7" described in the technical paper is the same device of the fluid processing device that is set forth in the description under the subtitle of example 4 of the embodiment and Figs. 6-7.

In the paper, Professor Takao maintains that the experiments of processing water using the vG7 device resulted in the oxidation-reduction potential of the water decreasing slightly after the processing; that the dissolved oxygen increased slightly after the processing; and, that the concentrations of the major elements contained in water decreased by about half.

Professor Takao further states that the generation of hydrogen gas observed by other experiments, can be explained by the atomic conversion caused by the generation of neutrinos with the theory of quantized water and with the theory of neutrino wave resonance with shape. Furthermore, he maintains that the production of negative and positive atomic radicals and right and anti-electrons, generation of a minute amount of radiations good for health, and production of new active water molecules equivalent to the decreased concentrations of elements can be explained in the same way, i.e., by the atomic conversion caused by the generation of neutrinos with the theory of quantized water and with the theory of neutrino wave resonance with shape.

Hence, professor Takao maintains that the space inside the vG7 and the surrounding area of vG7 remarkably improve quality of fluid such as water and air circulated in it and activates them, resulting in the development of functions of the fluid such as sterilization, deodorization, and resuscitation of living bodies.

Applicants further submit the declaration of applicant, Syuushi Nomura, which refers to his paper entitled "Further Examination of sterilization power of the water that passed through the fluid processing device." The further examination is similar to the application example 5 in the description. However, the subject of the comparison is more definite than that of example 5.

That is, the processed water and non-processed water were prepared. The fungus liquid was inoculated into the processed water and the non-processed water. Thereafter, the viable cell in the processed water and the non-processed water were counted after the specific time. The difference number of viable cells between those in the processed water and the non-processed water directly attributes to the existence of unexpected results from the water processed by the fluid processing device. In the results of the further examination, the processed water showed sterilization ability against the 4 species of bacteria.

Mr. Nomura's declaration further refers to his paper entitled "Measurement of dissolved hydrogen in the water that passed through the fluid processing device." As set forth therein, Mr. Nomura concludes that in the processed water the dissolved hydrogen was detected, while in the intact distilled water, the dissolved hydrogen was not detected. In the processed water, the amount of the dissolved hydrogen becomes higher with the passage of time elapsed from 0 to 48 hours. The existence of dissolved hydrogen and the variation of the concentration of dissolved hydrogen in the processed water are consistent with the results in Mr. Takao's technical paper.

In light of the above, applicants respectfully submit that there is no teaching or suggestion in the prior art that the arrangement set forth in the limitation of claim 3, now amended claim 1, provides "a more effective and space efficient arrangement." Further, there is no recognition in the prior art of the results applicants have obtained in the examples of the specification and as set forth in the attached Declarations under 37 C.F.R. §1.132. As such, applicants respectfully submit that the arrangement such that the material pieces form a concentric circle, and drawing

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line linked projected points, such that the central axes of the outermost circumferentially located plural material pieces of the concentric circle are projected on a plane perpendicular to the central axis of the material piece, to form an equilateral hexagon are not obvious.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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Enclosures: Declaration under 37 C.F.R. §1.132 of Masaharu Takao (w/ attachments)
Declaration under 37 C.F.R. §1.132 of Syuushi Nomura (w/ attachments)